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09/644,198	08/22/2000	Tamotsu Ito	16869P-011900US	1115
20350 7590 02/15/2012 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
02/15/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

Office Action Summary**Application No.**

09/644,198

Applicant(s)

ITO ET AL.

Examiner

REUBEN BROWN

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1 and 35-39 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1 and 35-39 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date: 2/10/12
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date: ____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 & 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, (U.S. Pat # 6,483,983), in view of Duhault, (U.S. Pat # 6,456,334); Qureshi (U.S. Pat # 6,456,305) and Vaidyanathan, (U.S. Pat # 6,467,081).

Considering amended claims 1 & 36, Takahashi teaches an apparatus (Fig. 1) that enables a user to access a plurality of programs, contained on a storage medium. The amended claimed features of the content including a plurality of titles that includes a plurality of chapters, each chapter including a plurality of frames, the titles and chapters include moving pictures, is met by the disclosure of Takahashi (Fig. 3; col. 3, lines 10-17; col. 5, lines 21-40; col. 6, lines 20-40; col. 9, lines 31-40).

'reproducing module configured to reproduce the content' is met by the reproducing apparatus of Takahashi, which is a reproducing apparatus (Fig. 1; col. 3, lines 12-16; col. 3, lines 55-63; col. 4, lines 1-58; col. 7, lines 24-50) that is triggered by a reproducing button 22 that command the reproduction of data from the disk, (col. 4, lines 62-67).

'a driver module configured to access the content and having a driver output to produce an information signal for the accessed content', reads on the driver unit 1 of Fig. 1; see col. 3, lines 60-67 thru col. 4, lines 1-17. The driver unit 1 outputs its signal to the buffer 2, which meets the claimed *'driver output'*.

'a decoder module operatively coupled to the driver module to receive the information signal'; reads on the decoder unit 3, also see Fig. 1; col. 3, lines 60-67 thru col. 4, lines 1-17.

'user input module configured to receive user input with at least a select button and/or cursor button', reads on the user interface 11, of Takahashi, col. 4, lines 56-67 thru col. 5, lines 1-20 & Fig. 2, which includes an enter button 25 & the cursor buttons 27.

The amended claimed, *'system control module configured to control the reproducing module to display the titles on a display module, wherein each of the titles are represented by title representation information'*, is met by the system control unit 9 of Takahashi, which is in charge of controlling the operations of the driver unit 1, buffer unit 2 & the decoder unit (Fig. 1; col. 4, lines 17-38. Takahashi also shows in Fig. 3 that a plurality of titles are available for selection by the user (as tag 18). The claimed *'title representation information'*, is broad enough to read on the symbols representing the titles contained on the disks, see col. 5, lines 21-48, as shown in Fig. 3.

'...the driver and decoder modules to produce a first display signal for the plurality of titles, each of the titles being represented by single frames in the first display signal, at least the single frames for the plurality of programs are configured to be displayed on a display module as a title selection screen based on the first display signal, wherein the single frames are selected from any part of the moving picture ...'; Takahashi on Fig. 3, shows a screen that has for example, three different titles that may be selected, whereas in the instant Fig. 3, title #2 has been selected; col. 5, lines 21-42.

However, Takahashi Fig. 3 only shows that each title is represented by a tab, instead of an image frame that *'represents a portion of the moving picture'*, as recited in the claims. Nevertheless, Duhault teaches that the image frames that represent a particular program on a particular channel, which corresponds with the claimed title, can be selected to be within the first portion of the video, see col. 3, lines 1-21. In fact, Duhault goes on to teach in the same passage that the image frame may be updated to be taken from some other portion of the instant program, thus it is a dynamic image and not static. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature of having the image that represents a title be an image taken from the motion picture (as taught by Duhault), as opposed to only an abstract tag with only a numerical representation, as shown in Takahashi, at least for the improvement of allowing the user to have a better understanding of the nature of the content by viewing an image frame that represents the content by being taken from some portion of the instant title/program.

As for the further amended features that the single frames are overlapped, even if the single frame is unselected, in both Fig. 2 & Fig. 3 of Duhault, the image tiles 242-245 & 343-346 are initially overlapped upon images 241 & 341, respectively before any one of 242-245 or 343-346 are subsequently selected, which meets the claim, see col. 2, lines 10-62. Furthermore, even if any one of 242-245 or 343-346 is selected, the other frames that are not selected are still displayed on the screen in their original overlapping posture.

'wherein the system control module, in response to receiving user-specified title selection from the select button is configured to control the decoder module to produce a second display signal for the plurality of chapters, each of the chapters being represented by a single frame in the second display signal, at least the single frames for the plurality of chapters are configured to be displayed as a chapter selection screen based on the second display signal', also reads on the disclosure of Fig. 3, which shows a plurality of chapters represented by a single frame, such that any particular chapter within a title may be selected by the user.

'wherein the system control module, in response to receiving a user-specified title selection from the cursor button, is configured to control the decoder module & control the reproducing module to play back automatically a motion picture of the user specified title at a user-specified scaled frame larger than the scale for a small frame used for title selection...', Takahashi teaches that the selected video program represented as a small-scale frame, may be played back as a full-screen. However, Takahashi does not discuss playing back, *'at a user-specified scale frame larger than the scale of the small-scale frame'*, as recited in the claim, emphasis added. Nevertheless Qureshi, in a similar field of endeavor of displaying multimedia program(s) on a playback device, teaches that the customer can select the height/width and/or aspect ratio of a video window for play back, see Figs. 2-8; Fig. 11; col. 15, lines 45-37 thru col. 16, lines 1-42. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature of a user-selected playback ratio larger than the small-scale frame, as taught by Qureshi, at least for the known benefit of allowing

each user to a more full version of the video so that the viewer can see it better, at the scale preferred by the user.

As for the limitation, *'without receiving input for producing the user-specified title by the select button...without receiving input for a select period of time...'*, Takahashi, (col. 7, lines 65-67 thru col. 8, lines 1-2; col. 11, lines 25-67; col. 12, lines 32-63), discloses that after a user selects a chapter with the cursor button 27, that the associated moving picture may be displayed for a duration of time, col. 7, lines 25-37. However, the references do not explicitly discuss a delay time when waiting for another user input before automatically starting playback of the moving picture in the small frame. It is pointed out that the claimed, *'user-specified title by the select button'* corresponds with the initial selection of the title, using the cursor button 27 in Takahashi to highlight/select the desired small frame; see col. 7, lines 2-8. Takahashi goes on to teach that in order to playback the video of the instant selected small frame, the user will push the enter button 25.

Nevertheless, Vaidyanathan, which is also in the same field of endeavor of interactive object selection, teaches a system that allows a user to make a selection (for execution, i.e., which corresponds with the use of the enter button 25 of Takahashi) of an object by merely hovering the cursor of the mouse over the instant object for a predetermined time, col. 2, lines 54-59; col. 6, lines 44-49; col. 7, lines 25-42. The reference teaches that in order to overcome the problem of the customer needing to highlight & select an item, in order to execute the instant item, (which requires two input tasks by the user) it is desirable to have an item (e.g., a help

function) automatically executed, when a cursor is hovered over the instant item for a certain period of time, by the customer. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Takahashi & Duhault with the feature of selecting for execution, an object on a screen by allowing the user to hover the mouse cursor over the object, for a certain period of time, instead of having to focus & then click the instant desired object, as taught by col. 2, lines 41-65 of Vaidyanathan, which at least reduces the amount of clicking required by user of the system, and obviates at least one step in the selection process. Thus the combination of Takahashi, in view of Vaidyanathan, with respect to this feature, would allow the customer to use the cursor buttons 27 to highlight a desired frame. The customer would not need to use the input button 25 to cause playback of the frame, because once the frame has been highlighted/selected by the cursor button 27, if there is no other input for a certain period of time, then the video associated with the highlighted/selected frame would be played back, automatically, according to Vaidyanathan.

Regarding the further amended claimed feature, *'... to playback automatically a motion picture of the user-specified title... if there is no button input for a select period of time, wherein the automatic play back start position of the user-specified title is a part of the moving picture which is indicated by the single frame, after receiving a user-specified title selected by the cursor button, and where each of the single frames represent a portion of the moving picture'*,

emphasis added; Takahashi teaches that the motion picture is played from the start picture of the chapter, col. 6, lines 34-51; col. 7, lines 25-50.

As for the further amended claimed feature, that the system stops playback of the title after the playback ends, this feature is necessarily included in the references cited above, since without such a feature the system would display the video program indefinitely, in an endless loop.

Regarding claim 36, the claimed elements of an apparatus for accessing content on a storage medium that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated. Furthermore, claim 36 recites '*program*', which corresponds with the claimed '*title*' of claim 1. Also claim 36 recites, '*plurality of scenes*', which likewise corresponds with claimed chapters of claim 1.

Considering claims 35 & 37, Official Notice is taken that at the time the invention was made, 'skipping' and 'fast forward playback', similar to a VCR, was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi/Duhault with the feature of fast forward or skipping, at least for benefit of allowing the user to go to the section of the movie that he/she most desires to view, at a particular time.

Considering claim 38, the claimed feature of *'reproduce the plurality of chapters, each of the chapters represented by a single frame and wherein at least the single frames for the plurality of chapters are configured to displayed on the display module as a chapter selection screen'*, is met by Fig. 3 of Takahashi, col. 5, lines 21-48.

Considering claim 39, the claimed feature of *'reproduce the plurality of scenes, each of the scenes being represented by a single frame and wherein at least the single frames for the plurality of scenes are configured to displayed on the display module as a scene selection screen'*, is met by Fig. 8 of Takahashi, col. 13, lines 58-67 thru col. 14, lines 1-15. The claimed *'scene'* corresponds with the subprogram of Takahashi.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Gerba, Snook GUI with thumbnails.
- B) Hassel
- C) Miyuzaki Allows a user to enlarge/reduce a video image.
- D) Angiulo Allows a user to enlarge/reduce a thumbnail image.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2424